

CHAPTER 5

CONFIDENTIALITY AND SEALED CASES (TRIAL AND APPEAL)

Administrative Rule 9 and I.C. 5-14-3-5.5

CONTACT:

Heather Smith

Marie Schelonka

clerk@courts.IN.gov

State House, Room 216

Indianapolis, IN 46204

Main: 317-232-1931

[Ind. Administrative Rule 9](#) governs public access to and confidentiality of court records. Section (G) of Rule 9 specifies the types of information found in case records that is excluded from public access and is confidential, including pre-sentence reports, personal information relating to jurors or prospective jurors, social security numbers, bank account and credit card numbers, and adoption records, among other things. In its Order dated April 30, 2009, **applicable only to cases in which the entire appellate record is confidential and excluded from public access**, the Supreme Court has interpreted the requirements of Administrative Rule 9(G)(4)(a)(i) to apply only to appeals that were pending as of or filed after January 1, 2009. **It is important that court reporters are familiar with the types of information deemed confidential under Administrative Rule 9 and that documents including this information not be made available to the public.**

When putting together an evidence volume, court reporters should segregate pages containing confidential information, copy those pages onto green paper consistent with [Ind. Trial Rule 5\(G\)](#), and bind the light green paper separately from the other volumes of evidence. Similarly, if a transcript page contains confidential information, that information should be redacted from the transcript, and an unredacted version of the pages should be provided to the court on light green paper in a separately bound volume.

Ind. Code [5-14-3-5.5](#) provides a procedure by which a court may seal a public record not otherwise confidential under Ind. Code [5-14-3-4](#). This statute requires that a court's decision to seal all or part of a record must be based on findings of fact and conclusions of law, showing that the harm caused by public disclosure would outweigh the benefits of disclosure.

When sending materials in a sealed case to the Clerk of the Supreme Court, Court of Appeals and Tax Court on appeal, court reporters and trial court clerks must be sure to enclose the materials in sealed envelopes clearly labeled with the case information and stating that the records are "SEALED BY COURT ORDER." The materials will be placed in locked cabinet in the office of the Clerk of the Supreme Court, Court of Appeals and Tax Court until transmittal to the Court on Appeal.

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